

On April 18, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11496. Adulteration and misbranding of chocolate and cocoa. U. S. v. 96 Pounds, et al., of Chocolate and 102 Pounds of Cocoa. Consent decrees of condemnation and forfeiture. Products ordered delivered to charitable institutions. (F. & D. Nos. 17108, 17117. I. S. Nos. 3044-v, 3045-v, 3047-v. S. Nos. E-4254, E-4263.)

On January 8, 1923, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 192 pounds of chocolate and 102 pounds of cocoa, remaining in the original unbroken packages in part at Morehead City, N. C., and in part at Wilmington, N. C., consigned by William H. Baker, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., in part on or about October 26 and in part on or about October 27, 1922, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Justice Brand Premium No. 1 Chocolate * * * William H. Baker (Syracuse), Incorporated 79-85 Wall St. N. Y. City;" "Justice Brand Cocoa William H. Baker Syracuse, Inc. New York City."

Adulteration of the articles was alleged in the libels for the reason that excessive cocoa shells had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Premium No. 1 Chocolate" and "Cocoa," appearing on the respective labels, were false and misleading and deceived and misled the purchasers in that the said products contained an excessive amount of cocoa shells.

On April 6, 1923, William H. Baker, Inc., having entered an appearance and filed answer to the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be disposed of to charitable institutions.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11497. Adulteration of canned salmon. U. S. v. 100 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17181. I. S. No. 8318-v. S. No. W-1285.)

On January 17, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. E. Shields, Seldovia, Alaska, June 25, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "4 Doz. Kenai Brand Alaska Sockeye Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On March 13, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State Fisheries Department to be used for fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11498. Adulteration of canned apricot pulp. U. S. v. 51 Cans of Apricot Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17206. I. S. No. 6646-v. S. No. C-3875.)

On January 27, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 51 cans of apricot pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Manuel Caragol & Sons, New York, N. Y., on or about December 29, 1922, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Marca Registrade Apricot Pulp Product of Spain Lopez Hermanos Malaga Spain Net Weight 10 Lbs. Importe P. D. Espagne."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in large part of a filthy, decomposed, and putrid vegetable substance.

On March 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11499. Misbranding of cottonseed oil. U. S. v. 25 Cases of Cottonseed Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17436. I. S. No. 1567-v. S. No. E-4340.)

On March 29, 1923, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of cottonseed oil, remaining unsold in the original unbroken containers at Providence, R. I., alleging that the article had been shipped by the Cooknut Corp., from Baltimore, Md., on or about February 17, 1923, and transported from the State of Maryland into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Salol Choice Winter Pressed Cotton Seed Oil * * * The Cooknut Corporation Baltimore, Md. U. S. A.;" (case) "10/1 Gallon Cans."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than 1 gallon of the said article.

Misbranding of the article was alleged in the libel for the reason that the case label bore a statement regarding the said article or the ingredients and substances contained therein, to wit, "10/1 Gallon Cans," which was false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 gallon of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1923, the Cooknut Corp., Baltimore, Md., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11500. Adulteration and misbranding of gelatin and Rico marshmallow powder. U. S. v. W. K. Jahn Co., a Corporation. Plea of guilty. Fine, \$500. (F. & D. No. 9361. I. S. Nos. 2134-m, 4892-m, 8812-m, 11400-m, 11999-m, 12175-m, 12235-m, 12236-m, 12701-m, 12703-m, 21388-m, 28856-k, 8802-p, 8803-p, 8805-p, 8901-p, 9409-p, 16009-p, 16713-p.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. K. Jahn Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of December 29, 1916, and July 3, 1917, from the State of Illinois, in various consignments, namely, into the States of Pennsylvania, Ohio, Missouri, Maryland, Nebraska, California, Oregon, and Georgia, respectively, of quantities of gelatin, a portion of which was adulterated and the remainder of which was adulterated and misbranded, and on or about December 20, 1916, from the State of Illinois into the State of Washington, of a quantity of Rico marshmallow powder which was adulterated and misbranded. A portion of the said gelatin was labeled in part, "Gelatine;" the remainder was invoiced as gelatin. The Rico marshmallow powder was labeled in part: "Rico Guaranteed Pure White * * * Made Of Absolutely Pure Albumen * * * Absolutely Pure Guaranteed to Pass All Pure Food Laws throughout the